

REMARKS

Support for the amendments to claims 17 and 18 is found at page 26, lines 29 to 33 of the specification. Support for the amendment to claim 19 is found at page 26, lines 29 to 33 and page 27, lines 9 to 10 of the specification.

IDS

An IDS was filed on February 1, 2005 disclosing two references that were cited on January 13, 2005 in a counterpart foreign application. Private PAIR indicates that this IDS and its related references are part of the electronic file wrapper of the present application. The Examiner is respectfully requested to return an initialed copy of the related SB-08 with the next communication.

Rejections Under 35 USC § 112 – Indefiniteness

Claims 17-19 have been amended to overcome the outstanding rejections for indefiniteness. Claim 19 is amended as a dependent claim of claim 14 and claim 18 is amended to independent form. Claim 18 relates to a transformant into which one plasmid is introduced. Claim 14 relates to a transformant into which two plasmids are introduced.

Rejections Under 35 USC § 112 – Enablement

Under the provisions of MPEP §§ 2411.02 and 2411.03 applicants assure the PTO in writing that an acceptable deposit will be made on or before the date of payment of the issue fee. In accordance MPEP § 2411.03, applicants request to be notified and given a period of time within which the deposit must be made.

Rejoinder

In the Office Action dated August 26, 2004, the Examiner stated that if claim 13 is found directed to an allowable product, then claims 20-21, which are directed to the process of making or using the patentable product, respectively, would now be rejoined. Considering that claim 13 is now indicated as being allowable, applicants respectfully request that claims 20 and 21 be rejoined and allowed.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 31, 2005

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5571
Facsimile: (202) 672-5399

Matthew E. Mulkeen
Attorney for Applicant
Registration No. 44,250